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FORM**

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Total Number of Pages in This Submission

19

Application Number	10734,041
Filing Date	December 11, 2003
First Named Inventor	Lukas Eisermann et al.
Art Unit	3733
Examiner Name	David C. Comstock

Attorney Docket Number

MSDI-222/PC765.00

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	January 2, 2008	Reg. No.	45,431

CERTIFICATE OF TRANSMISSION/MAILING

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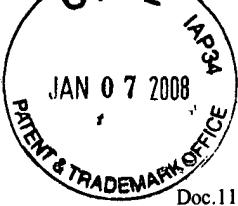
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January 2, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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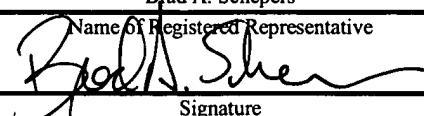
In re patent application of:) Before the Examiner
Eisermann et al.) David C. Comstock
)
Application Serial No. 10/734,041) Group Art Unit 3733
)
Filed December 11, 2003) Ref. No. MSDI-222/
) PC765.00
)
EXPANDABLE INTERVERTEBRAL) January 2, 2008
IMPLANT)

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated November 1, 2007, please consider the following amendments and remarks. The two-month early response period for responding to the final Office Action expired on January 1, 2008, which fell on a federal holiday, thereby extending the two-month early response period to January 2, 2008 (the first business day after January 1, 2008). Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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INTRODUCTORY COMMENTS

Claims 1-31 and 33-60 were pending in the subject application for the final Office Action dated November 1, 2007. Each of the claims has been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.